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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,231	01/04/2002	Satoshi Yashiki	P20709	3115

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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/035,231	Applicant(s) YASHIKI, SATOSHI	
	Examiner Greg Bengzon	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This application has been examined. Claims 1-12 are pending.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The effective date of the subject matter in the claims in this application is January 10, 2001.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 04/04/2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-5, 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (US Patent 6862114).

With respect to Claim 1, Hayashi discloses an email receiver, comprising: a email receiving section that receives email data from a reception email server and stores the email data in a memory; (Figure 6A-6B, Column 11 Lines 40-45, Column 16 Lines 60-65, Column 17 Lines 15-30) a memory overflow detecting section that detects whether the memory overflows;( Column 2 Lines 55-65) a interruption controlling section that controls said email receiving section to interrupt email reception and that leaves all of the email data in the reception email server when said memory overflow detecting section detects that a memory overflow during reception of the email data by said email receiving section,(Column 3 Lines 1-10) and a re-reception controlling section, when said email receiving section again receives the email data left in the reception email server after interrupting, stores the email data, except the email data received before the memory overflow, in the memory. (Figure 4B, Column 3 Lines 10-25, Column 4 Lines 20-25, Column 16 Lines 10-35)

With respect to Claim 2, Hayashi discloses the email receiver according to claim 1, further comprising: a memory overflow notifying section that, when said memory overflow detecting section detects memory overflow, notifies a sender of the email data of the memory overflow. (Figure 10-11, Column 3 Lines 25-45)

With respect to Claim 3, Hayashi discloses the email receiver according to claim 1, further comprising: a printer that prints the email data stored in the memory, (Column 5 Lines 20-30) and an erasing section that, when said printer finishes printing the email data, erases the printed email data from the memory. (Column 4 Lines 40-55)

With respect to Claim 4, Hayashi discloses the email receiver according to claim 1, further comprising: an interrupted page number memorizing section that memorizes the page number at which said interruption controlling section interrupted reception of the mail data, (Column 4 Lines 15-25, Column 12 Lines 35-40) wherein said re-reception controlling section, when the email data left in the reception email server is received, reads the page number from said interrupted page number memorizing section, (Column 13 Lines 50-65) then stores the remaining email data corresponding to the pages after the read page number in the memory. (Column 15 Lines 1-35)

With respect to Claim 5, Hayashi discloses the email receiver according to claim 1, further comprising: a received page number memorizing section that memorizes a page number received before memory overflow, (Column 15 Lines 1-35) wherein said re-reception controlling section, when the email data left in the reception email server is

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received, reads the page number from said received page number memorizing section, then stores the remaining email data corresponding to the pages after the readout page number to the memory. (Column 16 Lines 10-35)

With respect to Claim 7, Hayashi discloses a method of receiving email data, comprising: receiving email data from a reception mail server; (Figure 6A-6B, Column 11 Lines 40-45, Column 16 Lines 60-65, Column 17 Lines 15-30) storing the received email data in a memory; interrupting reception, (Column 2 Lines 55-65) leaving all of the email data in the reception email server when the memory overflows during receiving the email data and storing the email data, (Column 3 Lines 1-10) except the received email data before the memory overflow, in the memory when the email data left in the reception email server is received again after interrupting. (Figure 4B, Column 3 Lines 10-25, Column 4 Lines 20-25, Column 16 Lines 10-35)

With respect to Claim 8, Hayashi discloses the method of receiving email data according to claim 7, further comprising: notifying memory overflow to a sender of the email data when the memory overflows. (Figure 10-11, Column 3 Lines 25-45)

With respect to Claim 9, Hayashi discloses the method of receiving email data according to claim 7, further comprising: printing the email data stored in the memory,

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(Column 5 Lines 20-30) and erasing, when printing operation of the email data is finished, the printed email data from the memory. (Column 4 Lines 40-55)

With respect to Claim 10, Hayashi discloses the method of receiving email data according to claim 7, further comprising: memorizing a page number at which reception was interrupted; said storing comprising, (Figure 9A-9B, Column 4 Lines 15-25, Column 12 Lines 35-40) reading the page number, when the email data left in the reception email server is received, (Column 13 Lines 50-65) and storing in the memory the remaining email data corresponding to the pages after the read page number. (Column 15 Lines 1-35)

With respect to Claim 11, Hayashi discloses the method of receiving email data according to claim 7, further comprising: memorizing a page number received before memory overflow; (Column 15 Lines 1-35) said storing comprising, reading the page number when the email data left in the reception email server is received, and storing in the memory the remaining email data corresponding to the pages after the read page number. (Column 16 Lines 10-35)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US Patent 6862114) in view of Yoshida et al. (US Patent 5031179), hereinafter referred to as Yoshida.

Hayashi discloses a system that stores the number of pages received before a transmission failure or memory overflow condition is detected. However Hayashi does not disclose storing the file size that is received before a transmission failure or memory overflow condition and detected, and using said file size to determine required amount of re-transmission data. Hayashi makes an effort to reduce the waste of resources and improve performance for multimedia content handling and reproduction systems during cases of transmission errors by marking pages as 'complete' or 're-transmit'. (Column 2 Lines 5-10) The Examiner notes that while text documents (or pages) are relatively small in size, image files are relatively large and take longer to transmit and reproduce. Hayashi would have discovered that image files continue to grow in size as image capture technology improves, and marking pages as 'complete' would no longer provide the improved performance that Hayashi was seeking. Thus Hayashi would have been motivated to search for and implement a method for a more granular level of marking data as 'complete' or 're-transmit' so that even if only one half of the image page was received the system would still be able to differentiate between 'complete' and 're-



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transmit' portions.

Yoshida discloses a communications method for sending documents via facsimile apparatus that ascertains an amount of error data, discriminates between correctly received data and error data, and remembers number of bytes of data that have been transferred and received. Yoshida discloses of retransmitting only the error data when transmission errors are detected.

With respect to Claim 6, Yoshida discloses the email receiver according to claim 1, further comprising: a received data size memorizing section that stores size of the received email data, (Column 19 Lines 40-45, Column 20 Lines 1-10, Column 21 Lines 25-35, Column 23 Lines 20-25) wherein said re-reception controlling section, when the email data left in the reception email server is received, reads the received data size from said received data size memorizing section, then stores the remaining email data corresponding to the size of the data after the read data size, in the memory. (Column 22 Lines 10-50)

Hayashi and Yoshida are analogous art because they present concepts and practices regarding data transmission recovery and restart procedures. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Yoshida into the apparatus and method of Hayashi. The said combination would enable the apparatus and method of Hayashi to 1) enable a received

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data size memorizing section that, when the memory overflows, stores size of the received email data, and 2) read the received data size from said received data size memorizing section, then stores the remaining email data corresponding to the size of the data after the read data size, in the memory. The suggested motivation for doing so would be, as Yoshida suggests, in order that the transmitter can determine whether to continue retransmitting a selected portion of data or discontinue retransmission and proceed with transmission of the next portion of data. (Column 3 Lines 5-10)

Thus it would have been obvious to combine the teachings of Yoshida into the apparatus and methods of Hayashi in order to obtain the invention as described in Claims 6 and 12.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

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